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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/088,044

03/14/2002

Roger Kent Duance

BRI-00062

6748

7590

05/04/2004

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EXAMINER

LEDYNH, BOT L

ART UNIT

PAPER NUMBER

2862

DATE MAILED: 05/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,044

Applicant(s)

DUANCE, ROGER KENT

Examiner

Bot LeDinh

Art Unit

2862

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8 and 17-20 is/are allowed.
- 6) ☒ Claim(s) 9 and 14 is/are rejected.
- 7) ☒ Claim(s) 10-13, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date 9/03/02.

- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Form PTO-1002



Bot LeDinh
Primary Examiner

Art Unit: *** 2862

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rosaen (4569233) in view of Plagens (5694040). Rosaen discloses Hall effect sensor 32 (32 inherently being on a stationary member to keep it stationary), movable member 18, sensor 32 being stationary, voltage signal indicative of the position of 18 and 32, V/I converter 36, indicator 40. However, Rosaen does not disclose the sensor being responsive to a supply voltage signal. Plagens discloses that Hall effect elements are connected to a voltage supply to generate a voltage output of the Hall effect elements. See Plagens' Fig.2. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Rosaen by supplying a voltage to the Hall effect element 32 in order to generate the output voltage 34.

Allowable Subject Matter

Claims 1-8 and 17-20 are allowed.

Claims 10-13 and 15-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bot LeDinh whose telephone number is (571) 272-

Art Unit: *** 2862

2231. The examiner can normally be reached on Mondays-Thursdays between 6:00 AM and 2:30 PM. Examiner is often off on Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, N. Le, whose telephone number is (571) 272-2233, can be reached on Mondays-Fridays between 7:00 AM and 3:00 PM. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BL/4-30-2004



Bot LeDinh, J.D., Ph.D.
Primary Examiner